

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q94277

Hiromichi KOMORI, et al.

Appln. No.: 10/540,521

Group Art Unit: 1617

Confirmation No.: 5337

Examiner: Paul E. ZAREK

Filed: June 24, 2005

For: REMEDY FOR DEGENERATIVE INTERVERTEBRAL DISCS

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98**

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed after a Final Office Action, and therefore the fee of \$180.00 under 37 C.F.R. § 1.17(p) is being remitted, along with a Statement Under 37 C.F.R. § 1.97(e).

The present Information Disclosure Statement is being filed thirty days or fewer from the communication from a foreign Patent Office and a Statement Under 37 C.F.R. § 1.704(d) is attached.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not

INFORMATION DISCLOSURE STATEMENT  
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waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Alan C. Townsley/

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Alan C. Townsley, Ph.D.  
Registration No. 64,740

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: January 14, 2010

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**STATEMENT UNDER 37 C.F.R. § 1.97(e)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

/Alan C. Townsley/

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The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in a communication from a foreign Patent Office in a counterpart foreign application, and that the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

/Alan C. Townsley/

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